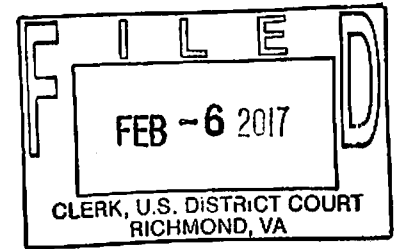**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

JORDAN HIDALGO,                        )
                                       )
         Plaintiff,                    )
                                       )
v.                                     )          Civil Action No.  3:16CV264–HEH
                                       )
MAJOR PHYLLIS BACK, *et al.*,          )
                                       )
         Defendants.                   )

<u>**MEMORANDUM OPINION**</u>
**(Dismissing Action Without Prejudice)**

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42

U.S.C. § 1983 action.  In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff

must allege that a person acting under color of state law deprived him or her of a

constitutional right or of a right conferred by a law of the United States.  *See Dowe v.*

*Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998)

(citing 42 U.S.C. § 1983).  In his current Complaint, Plaintiff does not identify the

particular constitutional right that was violated by the defendants' conduct.  Moreover,

Plaintiff's current allegations fail to provide each defendant with fair notice of the facts

and legal basis upon which his or her liability rests.  *See Bell Atl. Corp. v. Twombly*, 550

U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).  Accordingly,

by Memorandum Order entered on January 11, 2017, the Court directed Plaintiff to

submit a particularized complaint within fourteen (14) days of the date of entry thereof.

The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the January 11, 2017, Memorandum Order.   Plaintiff failed to submit a particularized complaint or otherwise respond to the January 11, 2017, Memorandum Order.  Accordingly, the action will be dismissed without prejudice.  Plaintiff is free to file a new action that amplifies the factual and legal basis upon which his claims rest.

An appropriate order will accompany this Memorandum Opinion.

                                                       /s/

                                              HENRY E. HUDSON

Date: Feb. 3 2017                               UNITED STATES DISTRICT JUDGE

Richmond, Virginia

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